



February 15, 2005

## HOUSE BILL No. 1265

DIGEST OF HB 1265 (Updated February 10, 2005 10:04 am - DI 87)

**Citations Affected:** IC 4-22.

**Synopsis:** Justification for rulemaking. Requires an agency that publishes a notice of intention to adopt a rule that imposes a requirement or cost on a regulated entity to include in the notice a statement justifying the requirement or the cost. Provides that the statement must include a reference to any data, studies, or analyses relied upon by the agency in determining that the imposition of the requirement or cost is necessary.

**Effective:** July 1, 2005.

### Pond

January 11, 2005, read first time and referred to Committee on Government and Regulatory Reform.  
February 14, 2005, reported — Do Pass.

C  
o  
p  
y

HB 1265—LS 7756/DI 101+



February 15, 2005

First Regular Session 114th General Assembly (2005)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2004 Regular Session of the General Assembly.

## HOUSE BILL No. 1265

A BILL FOR AN ACT to amend the Indiana Code concerning state offices and administration.

*Be it enacted by the General Assembly of the State of Indiana:*

- 1 SECTION 1. IC 4-22-2-24 IS AMENDED TO READ AS  
2 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 24. (a) An agency shall  
3 notify the public of its intention to adopt a rule by complying with the  
4 publication requirements in subsections (b) and (c).  
5 (b) The agency shall cause a notice of a public hearing to be  
6 published once in one (1) newspaper of general circulation in Marion  
7 County, Indiana. To publish the newspaper notice, the agency shall  
8 directly contract with the newspaper.  
9 (c) The agency shall cause a notice of public hearing and the full  
10 text of the agency's proposed rule (excluding the full text of a matter  
11 incorporated by reference under section 21 of this chapter) to be  
12 published once in the Indiana Register. To publish the notice and  
13 proposed rule in the Indiana Register, the agency shall submit the text  
14 to the publisher. The agency shall submit the rule in the form required  
15 by section 20 of this chapter and with the documents required by  
16 section 21 of this chapter. The publisher shall determine the number of  
17 copies of the rule and other documents to be submitted under this

HB 1265—LS 7756/DI 101+



C  
o  
p  
y

1 subsection.

2 (d) The agency shall include **the following** in the notice required by  
3 subsections (b) and (c):

4 (1) A statement of the date, time, and place at which the public  
5 hearing required by section 26 of this chapter will be convened.

6 (2) A general description of the subject matter of the proposed  
7 rule. ~~and~~

8 **(3) In a notice published after June 30, 2005, a statement**  
9 **justifying any requirement or cost that is:**

10 **(A) imposed on a regulated entity under the rule, other**  
11 **than a regulated entity that is an instrumentality of state**  
12 **or local government; and**

13 **(B) not expressly required by:**

14 **(i) the statute authorizing the agency to adopt the rule;**  
15 **or**

16 **(ii) any other state or federal law.**

17 **The statement required under this subdivision must include**  
18 **a reference to any data, studies, or analyses relied upon by the**  
19 **agency in determining that the imposition of the requirement**  
20 **or cost is necessary.**

21 ~~(3)~~ **(4) An explanation that:**

22 **(A) the proposed rule; and**

23 **(B) any data, studies, or analysis referenced in a statement**  
24 **under subdivision (3);**

25 may be inspected and copied at the office of the agency.

26 However, inadequacy or insufficiency of the subject matter description  
27 **under subdivision (2) or a statement of justification under**  
28 **subdivision (3) in a notice does not invalidate a rulemaking action.**

29 (e) Although the agency may comply with the publication  
30 requirements in this section on different days, the agency must comply  
31 with all of the publication requirements in this section at least  
32 twenty-one (21) days before the public hearing required by section 26  
33 of this chapter is convened.

34 (f) This section does not apply to the solicitation of comments under  
35 section 23 of this chapter.

C  
o  
p  
y



## COMMITTEE REPORT

Mr. Speaker: Your Committee on Government and Regulatory Reform, to which was referred House Bill 1265, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

BUCK, Chair

Committee Vote: yeas 11, nays 1.

**C  
o  
p  
y**

